IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 4924 of 2007(J)

PETITIONER:

T.GEORGE KURIAN,
COMMERCIAL TAXES INSPECTOR, NADUPPUNNI CHECK POST,
NADUPPUNNI, PALAKKAD.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:

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1. THE COMMISSIONER OF COMMERCIAL TAXES,
TRIVANDRUM.

2. STATE OF KERALA, REP. BY
SECRETARY TO GOVT., TAXES DEPARTMENT,
GOVT. SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 4924 of 2007(J)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER DATED 2.2.2007 IN W.P.(C).NO.3807/07 OF THIS HON'BLE COURT.

EXT.P2: COPY OF PROCEEDINGS NO.A11-5240/07/CT ISSUED BY THE 1ST RESPONDENT.

EXT.P3: COPY OF NEWS REPORT WHICH APPEARED IN DESHABHIMANI DAILY DATED 7.2.2007.

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.4924 OF 2007-J

Judgment

The petitioner, who is a Commercial Taxes Inspector, working under the respondents, has been placed under suspension by Ext.P2 order dated 05.02.2007. The allegation against him is that he has permitted transporting of huge consignments of live chicken by one Mr.Biju on the strength of Ext.P1 interim order of this Court, concerning collection of advance tax. According to the 1st respondent, several consignments of other dealers were also transported, using the delivery notes obtained by the said Mr.Biju. Later, his registration itself was cancelled on 05.02.2007. It is alleged that the irregularities took place because of the lack of diligence of the Officers concerned, including the writ petitioner. Therefore, the petitioner along with others, was placed under suspension by Ext.P2 order.

2. The petitioner submits, he only acted according to the direction issued by this Court in Ext.P1 interim order. He is not in any way, responsible for the irregularities committed by the dealer concerned, it is submitted.

3. I think, these are matters, which the petitioner must place before the 1st respondent or the 2nd respondent. If the petitioner moves the 2nd respondent, seeking to review his suspension, the said respondent will consider and pass orders thereon in

accordance with law within two months from the date of receipt of a copy of this Judgment,after affording him an opportunity of being heard.

The Writ Petition is disposed of as above.

18.06.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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